

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: David Catanzaro
Serial No.: 09/505,791
Filed: 17 February 2000
Title: ARTICLE ASSEMBLY

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SUPPLEMENTAL PETITION UNDER 37 CFR 1.137(b)

Hon. Commissioner
Of Patents & Trademarks
Washington, D.C. 20231

Dear Sir:

This SUPPLEMENTAL PETITION UNDER 37 CFR 1.137(b), is in further support to the RENEWED PETITION UNDER 37 CFR 1.137(b) dated October 6, 2008.

I hereby declare that all statements made herein of my knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made punishable by fine or imprisonment, or both, under section 1001 of title 18 of the United States Code, and that such willful false statements, may jeopardize the validity of the application, any patent issuing therein, or any patent to which this verified statement is directed.


08/19/09
David Catanzaro

Patent 7,152,606 ('606 patent) issued from U.S. Patent Application Serial No. 09/152,992 ("the '992 Application"), which was filed on September 14, 1998. On March 16, 1999, the U.S. Patent and Trademark Office ("PTO") issued an Office action rejecting the '992 Application. Black (inventor) failed to file a timely response to the Office action, and, as a result, the '992 Application went abandoned. On November 9, 1999, the PTO provided notification of the abandonment. Over five years later, on March 28, 2005, Black filed a petition to revive the '992 Application on the basis that the entire delay in responding to the Office action of March 16, 1999, was unintentional. The PTO granted Black's petition on March 20, 2006, and the '606 Patent issued from the '992 Application on December 26, 2006.

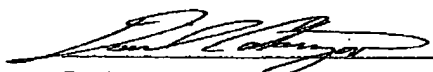
The unintentional standard as granted by the PTO in the '606 patent, was challenged in court and was upheld in favor of Black.

When Black filed a revival petition in March 2005, two declarations were included and contained the following statement: "The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR § 1.137(b) was unintentional."

Over five years elapsed and no further evidence on Black's part was required by the PTO as to why the entire time frame to respond was unintentional.

In contrast, the undersigned inventor was asked to show why the entire time period to respond was unintentional. On 10/6/08 the undersigned inventor did in fact reply and submit evidence to support that the entire time frame to respond was unintentional.

Wherefore, based upon the above statements and the 10/06/08 petition, inventor should be granted petition under the unintentional standard 37 CFR 1.37(b).


8/19/09
David Catanzaro